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Applicant: Germaine Caprio
Serial or Patent No. 10/068,194
Filed or Issued: 02/05/2002
For: Nursing Garment And Support Bra
Attorney's Docket: 31287-36223

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OFFICE OF PETITIONS

**PETITION TO REVIVE AN ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(a)**

Honorable Assistant Commissioner of Patents
Box DAC
Washington, DC 20231

Applicant respectfully petitions to revive an application abandoned for failure to prosecute on the basis that the delay in prosecuting the application was unavoidable because the applicant became aware of the abandonment from a Cover Letter For Resending Correspondence mailed February 3, 2003. The cover letter, copy enclosed, was received in response to applicant's request for a filing receipt acknowledging receipt of the filed documents and issuance of a patent application number. The applicant's request was mailed to the United States Patent and Trademark Office on December 20, 2002, copy enclosed, to inquire about the date of receipt of the applicant's application and the status of the application, if the application had been received by the United States Patent and Trademark Office.

In response, applicant received the cover letter mailed February 3, 2003, together with the Notice to File Corrected Application Papers of mailing date February 28, 2002, copy enclosed. The required item(s) were substitute drawings in compliance with 37 C.F.R. 1.84.

Applicant respectfully petitions the Commissioner to revive the application as a pending application. Applicant has filed this petition to revive promptly after the applicant became aware of the abandonment and is herewith submitting corrected application papers consisting of substitute drawings in compliance with 37 C.F.R. 1.84 and the petition fee as set forth in § 1.17(l) for a small entity for revival of an unavoidably abandoned application under 35 U.S.C.

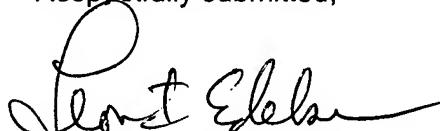
111, 133, 364, or 371, of \$55.00.

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Applicant herewith submits documentation showing that the delay was unavoidable in view of the applicant's failure to receive the mailed filing receipt for the application on the filing date of 02/05/2002 and the application number 10/068,194, and the failure to receive the mailed Notice To File Corrected Application Papers, date mailed 02/28/2002. Applicant respectfully submits that without receipt of the filing receipt, or the application number 10/068,194 and without receipt of the Notice, the applicant's delay was unavoidable and meets the requirement that the delay was unavoidable under 37 C.F.R. 1.137(a)(3). Applicant submits copies of the Certificate of Express Mail and copy of Return Receipt Postcard along with the Transmittal Letters. Applicant submits applicant only became aware of the abandonment because of applicant's request of December 20, 2002 for a filing receipt for applicant's application as required under 37 C.F.R. § 1.137(a).

Respectfully submitted,



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